

Please Note: These transcripts are not individually reviewed and approved for accuracy.

COMMITTEE MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD
PERMITTING AND ENFORCEMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING
1001 I STREET
2ND FLOOR
SIERRA HEARING ROOM
SACRAMENTO, CALIFORNIA

FRIDAY, SEPTEMBER 17, 2004

9:30 P.M.

TIFFANY C. KRAFT, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 12277

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Rosario Marin, Chair

Michael Paparian

Rosalie Mul

STAFF

Mark Leary, Executive Director

Julie Nauman, Chief Deputy Director

Elliot Block, Staff Counsel

Christine Carl, Staff

Bobbie Garcia, Staff

Tadese Gebre-Hawariat, Staff

Toni Jimenez, Executive Assistant

Howard Levenson, Deputy Director

Carla Repucci, Staff

ALSO PRESENT

Karen Hodel, Orange County Health Care Agency, Solid Waste
LEA

Joe Mello, State Water Board

Patrick Munoz, Rutan & Tucker

Tedd Ward, Del Norte Solid Waste Management Authority

Jay White, Madison Materials

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

INDEX

	PAGE
Roll Call And Declaration Of Quorum	1
A. Deputy Director's Report	2
B. Consideration Of A New Full Solid Waste Facilities Permit (Transfer/Processing Station) For The Madison Materials, Inc., Orange County Motion	6 19
Vote	20
C. Consideration Of A New Solid Waste Facilities Permit (Transfer/Processing Facility) For The Del Norte County Transfer Station, Del Norte County Motion	21 26
Vote	27
D. Consideration Of The Grant Awards For The Farm And Ranch Solid Waste Cleanup And Abatement Grant Program FY 2004/2005 Motion	27 30
Vote	31
E. Discussion And Request For Direction On Recommended Follow-ups To Landfill Facility Compliance Study (FY 1999-2000 Contract No. IWM-C9047)	31
F. Adjournment	51
G. Reporter's Certificate	52

1 PROCEEDINGS

2 CHAIRPERSON MARIN: Good morning. It's 9:30,
3 according to Mr. Paparian's AT&T phone. So we're going to
4 start. When we have a debate as to what our individual
5 watches read, then the dispute is settled with our phone.
6 Whatever the time says, that's when we do it.

7 Good morning, everybody. I'm so happy to see you
8 all here today. And we're ready for the Permitting and
9 Enforcement Committee.

10 Will you please call the roll?

11 EXECUTIVE ASSISTANT JIMENEZ: Mulé?

12 COMMITTEE MEMBER MULÉ: Here.

13 EXECUTIVE ASSISTANT JIMENEZ: Paparian?

14 COMMITTEE MEMBER PAPARIAN: Here.

15 EXECUTIVE ASSISTANT JIMENEZ: Marin?

16 CHAIRPERSON MARIN: Here. I guess we have a
17 quorum, since we have all of our members here.

18 I think everybody knows that we have speaker
19 slips in the back. And also that we appreciate at least
20 if you not turn off your cell phones, that at least you
21 turn them on vibration, silence mode. And I want to make
22 sure that we have acknowledged that we have all of the ex
23 partes reported.

24 Ms. Mulé.

25 COMMITTEE MEMBER MULÉ: I'm up to date.

1 CHAIRPERSON MARIN: And Mr. Paparian.

2 COMMITTEE MEMBER PAPARIAN: Yes. I just spoke
3 with Patrick Munoz who represents Madison Materials about
4 the Madison Materials permit.

5 CHAIRPERSON MARIN: Excellent. And I did, too.
6 I said hello to him. But I did pick up a very significant
7 number of letters from Mr. Bryan Starr, who's also a
8 member of the Madison group. And you seem to have every
9 significant person in your community supporting this
10 effort. So I will pass this around for the Board members.
11 So Brian Star with Madison Materials.

12 And other than that, I'm up to date myself as
13 well.

14 Okay. Mr. Howard Levenson.

15 DEPUTY DIRECTOR LEVENSON: Good morning, Madam
16 Chair and Committee members. Howard Levenson with
17 Permitting and Enforcement Committee. I have a short
18 Director's report for you, and then we'll go straight into
19 the items, if that's okay with the Committee.

20 First of all, I'd like to give you a very quick
21 update on La Montaa Aggregate Recycling. And Scott
22 Walker has been in contact with the receiver this morning
23 and throughout the last week. We've transmitted revised
24 cost estimates for the cleanup of the site to the
25 receiver. We did that earlier this week. The overall

1 cost estimate is still around \$2.1 million. Sort of the
2 in the middle range that we had.

3 We are waiting for the receiver to get back to us
4 with the court date. And once that is set, and we
5 anticipate that being very quick based on the conversation
6 that Scott had this morning, then we will have
7 authorization and be able to go ahead with the community
8 meeting and start the cleanup. So we're waiting for that
9 court date from the receiver. Scott, I don't know --
10 that's the latest. Nothing that Scott can add.

11 Quick update on Gregory Canyon. As you know,
12 you've seen many of the news articles. And it's our
13 understanding that the Proposition is still on the ballot.
14 We, however, do not have any waiver of the permit time
15 frame beyond October. So as of this date, the Gregory
16 Canyon permit is calendared for the October meeting. If
17 we do get a waiver from the operator and the LEA, we will
18 pull it from the October calendar.

19 A couple of upcoming things I just want to flag
20 to you. We have a lot of items coming to you that are
21 policy related, particularly in November and December. In
22 October we have the inventory of solid waste facilities
23 that failed to meet state minimum standards.

24 In November, we have, and December, we have a lot
25 of things, the RD&D rule, the long-term gas violation

1 regulations. We'll have an item for you on the proposed
2 rule makings related to AB 1497 and significant change and
3 a host of other permit concepts. We will have results
4 from the C&D work group. They're sending out a survey to
5 ascertain barriers to C&D recycling. That will be
6 presented either here or at the Board. We'll have to see
7 what's most appropriate.

8 We also will have items on the issue of
9 postclosure maintenance and financial assurances. What
10 happens after 30 years of postclosure care. We will have
11 a report back from our working group on with LEAs on
12 enforcement and compliance issues and what other kinds of
13 tools we might need to make enforcement and compliance
14 more effective. And we will have an item on the operator
15 training certification regulations. So there's a lot
16 coming up, particularly in November and December, for you
17 to consider from a policy perspective.

18 Lastly, I just want to let you know that Senator
19 Flores is having a hearing next week on Thursday the 23rd
20 in Delano. It's a Green Waste Public Meeting, is the
21 title of the hearing. The purpose is to look at what the
22 local entities and state agencies, how we're responding to
23 the land spreading of what has really been solid waste.
24 There was an incident last year in Delano, and there have
25 been several other incidents in Kern County, Kings County,

1 San Bernardino, Riverside, and probably some other areas.

2 We've been invited to testify along with
3 Los Angeles Waste Industries, which was one of the
4 contractors that took the materials from the L.A. basin
5 over the Tehachapis into Kern County, Waste Management,
6 Kern County Environmental Health, Department of Food and
7 Agriculture, the Kern County Farm Bureau, and as I said,
8 us. I'll be going down there probably along with Elliot
9 and Carroll Mortensen from our Legal Office. So I'll let
10 you know what happens on that.

11 CHAIRPERSON MARIN: We don't need to have any
12 Board members participate at all?

13 DEPUTY DIRECTOR LEVENSON: No, Ma'am.

14 CHAIRPERSON MARIN: Usually, traditionally, it's
15 the staff.

16 COMMITTEE MEMBER MULÉ: Or our advisors, do you
17 think it's necessary?

18 DEPUTY DIRECTOR LEVENSON: I can get you more
19 information about the hearing. And if you think they
20 ought to come down and hear it -- it's a long drive and a
21 two-hour hearing. I'd be happy to report back what goes
22 on. Because I think this will be just kind of a first
23 exploration of the situation and probably be some
24 suggestions. And we're going to have to come back and
25 mull those over. The Senator may take up some legislative

1 concepts. We don't know.

2 That's the end of my report. If you don't have
3 any questions, we can go on to our items, if you're ready,
4 Madam Chair.

5 CHAIRPERSON MARIN: That's fine. Just give my
6 best to Senator Flores.

7 DEPUTY DIRECTOR LEVENSON: Certainly will.

8 CHAIRPERSON MARIN: You want to present the very
9 first item, please.

10 DEPUTY DIRECTOR LEVENSON: Item B on the
11 Committee Agenda, Item 4 on the Board agenda is
12 Consideration of a New Full Solid Waste Facilities Permit
13 Transfer Processing Station for the Madison Material,
14 Inc., in Orange County. Tad Gebre-Hawariat will be
15 presenting that. As you know, we've had some submittals
16 late yesterday. And copies of those are available. And
17 Tad will be talking about that as well.

18 MR. GEBRE-HAWARIAT: Good morning.

19 Howard indicated that Attachment 3 has been
20 modified a little bit. Now that the CEQA document has
21 been adopted, the LEA had to go back and complete permit
22 Item 13D. They had to complete that and the Item 15 in
23 the box for the adoption dates. And also the LEA added a
24 couple more conditions in 17T and U.

25 With that, the proposed new permit is to allow

1 for the design and operation of a large volume transfer
2 station that will receive and process solid waste in
3 accordance with the specified terms and conditions. The
4 facility will operate seven days per week between the
5 hours of 6:00 a.m. to 6:00 p.m. for the non-public
6 customers, and 7:00 a.m. and 5:00 p.m. for the public
7 customers. The proposed permit maximum tonnage will be
8 950 tons per day.

9 At the time the agenda item was prepared, the
10 requirements of the California Environmental Quality Act
11 had yet to be completed. Also, Board staff had yet to
12 conduct an inspection of the facility. On September 15th,
13 2004, the LEA and the lead agency for CEQA adopted the
14 Mitigated Negative Declaration that was prepared for the
15 project, and on September 16th, 2004, filed a Notice of
16 Determination with the Orange County Clerk's Office and
17 with the State Clearinghouse.

18 On September 3rd, 2004, Board staff conducted an
19 inspection of the facility with the LEA and found that
20 facility operation with consistant with the applicable
21 minimum standards. However, the facility operation was
22 not in compliance with the terms and conditions of the
23 LEA's November 5, 2003, Notice and Order. And, therefore,
24 the violation of the Public Resource Code Section 44002,
25 operating a solid waste facility without a solid waste

1 facility permit, was sited.

2 Because the central issue of the LEA's Notice and
3 Order was for the operator to obtain a full solid waste
4 facility permit for the operation of the large volume
5 transfer station, the violation of Section 44002 of the
6 PRC will be corrected when the Board concurs with the
7 proposed permit and the LEA issues the permit.

8 Therefore, staff recommends that the Board adopt
9 Resolution Number 2004-241 concurring with the issuance of
10 solid waste facility permit number 30-AB-0386.

11 Ms. Karen Hodel, manager of the Orange County LEA
12 program is here, so is Ms. Judy Ware, President of Madison
13 Materials. And they are ready to answer any questions you
14 may have on the item.

15 CHAIRPERSON MARIN: Thank you. We have a couple
16 of people that would like to make presentations. So if
17 that's okay with you, I'd like to hear from them first.

18 Karen, would you please be so kind to come and
19 speak to us about this? And then it would be Jay and then
20 Patrick, Mr. Munoz. Or I should do all the formal last
21 names instead.

22 Ms. Hodel.

23 MS. HODEL: Thank you. Just wanted to have a
24 chance to address you briefly to let you know this has
25 been sort of a long process and it's been sort of

1 groundbreaking with the new regulations going into place.
2 But I just really wanted to let you know we really want to
3 thank a lot of the Board staff. They've just been
4 fantastic. From Howard Levenson to Mark de Bie, Tad
5 Gebre-Hawariat, Suzanne Hambleton, Ray Seamans, and Abel
6 Centeno-Martinez. They've just done a fantastic job, as
7 well as your legal counsel. Also want to thank our legal
8 counsel. A number of them have been involved as well.
9 And my staff, Patty Henshaw and David Chu, worked on this
10 considerably as well as the rest of my solid waste staff,
11 as well as County Planning Department. We were sort of
12 anticipating that the city of Santa Ana would be working
13 on some of the CEQA. And they stepped in and did a
14 fantastic job.

15 So I just wanted to let you know you've got a
16 fantastic staff. They're very responsive. They're very
17 informative and just really enjoy working with them. And
18 they were a tremendous amount of help on this permit.

19 Thank you. And I'm available to answer any
20 questions if you have any.

21 BOARD MEMBER MARIN: Thank you, Karen. Okay.

22 Mr. Ware.

23 MR. WHITE: Good morning, Chair Marin and
24 Committee members.

25 I just was going to stand up and basically

1 reiterate what Ms. Hodel said. We want to thank staff.
2 Waste Board staff has been great. Both the state staff as
3 well as the county staff have had -- it's been a long
4 process, but we're very thankful that everybody has put in
5 the time. And we thank you very much. We're looking
6 forward to years to come and really doing well with the
7 recycling. Thank you.

8 CHAIRPERSON MARIN: Thank you, Mr. Ware.

9 And last, but not least, is Mr. Munoz.

10 MR. MUNOZ: I can't tell you how genuinely
11 pleased I am to be here today at the end of a very long
12 process that started years ago, literally, when I helped
13 my clients buy the property that this facility is on. I
14 learned more about the State Waste Board process than I
15 would have ever dreamed of ever wanting to know during the
16 course of the C&D regulation process.

17 We've worked very closely -- more closely than we
18 actually wanted to with the LEA staff, with your staff.
19 It's been a real learning process for all of us,
20 especially with the interrelationship between the C&D
21 processing regulations that were adopted about a year ago
22 and LEA Advisory 12 which had been in existence prior to
23 that and how those things played out for us. We certainly
24 concur with the staff recommendation.

25 The only comment that I would like to make, just

1 to kind of make a record of it for you folks, is with
2 respect to the comment about the violation that was
3 observed during the inspection. As a practical matter, we
4 certainly agree that that violation is cured when the
5 permit is issued.

6 But we would also respectfully disagree there
7 really wasn't a violation. That's been the matter of an
8 ongoing disagreement. There was a hearing before the LEA
9 Hearing Panel, which we prevailed on, which determined
10 that we should have had a temporary registration permit,
11 which we were denied. And had we had that, there wouldn't
12 have been a violation at all. But that's all behind us.
13 We're very excited to be getting the permit and moving
14 forward.

15 On a substantive note, you're all aware that the
16 South Coast Air Quality Management District sent in a
17 letter late yesterday. To the degree we have any issues
18 with respect to that, I'll just share with you my thoughts
19 on it real briefly. The way the CEQA process works, the
20 Air Quality Management District was afforded an
21 opportunity to comment on the Mitigated Neg Dec some time
22 back. They did comment. The law requires that their
23 comments be considered and responded to.

24 The LEA, the county -- not our office or my
25 client's, but it was -- you know, the regulators

1 commented. And their determination was, number one, that
2 the issues that was raised as further analysis issue was
3 already fully covered in the CEQA documentation that
4 occurred back in 2000. So we've been through CEQA twice
5 on this, and that issues was already covered. You can
6 call it a statute of limitations issue if you like or
7 beyond the purview of their jurisdiction kind of an issue.

8 And secondly, the comment from the LEA is that
9 really as a practical matter it's not a big deal because
10 the AQMD has independent regulatory authority, and they
11 have the ability to deal with any health and safety
12 concerns that might exist out there independently if
13 they'd like.

14 So we concur with what I believe is your staff's
15 position that that's not an issue that would interfere
16 with your moving forward with the staff recommendation
17 today, and certainly happy to answer any questions you may
18 have. And thank you also for pointing out those letters
19 of support. I think it's really indicative of the process
20 that we've been through and how important this facility is
21 to Orange County. Those letters of support are from four
22 members of the five-member Board of Supervisors in Orange
23 County, from the Mayor of the city of Santa Ana, as well
24 as from representatives of both the recycling industry and
25 the hauling industry. I think it shows it's important

1 both to the community and the industry that we'll be
2 servicing. Thank you.

3 CHAIRPERSON MARIN: Thank you, Mr. Munoz.

4 For the record, let me do three things for the
5 record. First of all, let me acknowledge so it goes in,
6 from the city of Santa Ana, we have a letter from the
7 Mayor Miguel Padilo dated September 10th. I know my
8 colleagues have seen it, but we want to make sure that all
9 of the Board members see it for the next Board meeting.

10 We have a letter dated September 15th from the
11 Disposal Association, Ron Saldana, the L.A. County
12 Disposal Association, Executive Director.

13 From the Construction and Demolition Council,
14 Stephen Bantillo, he's Vice Chair of that.

15 Bill Campbell, he's the Supervisor of the Third
16 District in Orange County.

17 Chris Norby, the Supervisor also from the Fourth
18 District in Orange County.

19 James Silva, he's the Vice Chairman of the Board
20 of Supervisors, and the Chairman of the Board of
21 Supervisors, Tom Wilson.

22 So for the record, we want to make sure that
23 everybody has that.

24 For the record, I also visited, myself, Madison
25 Materials. I forget the date. But I know it's -- I know

1 it's in my calendar. I was very, very impressed by what I
2 saw. It is surrounded by a number of other facilities
3 that also are doing some recycling. But what really
4 impressed me was how clean it was. And it was interesting
5 because we had moved the visit a couple of times. And,
6 you know, sometimes when people know that you're going to
7 be there, they clean their house real well. But we moved
8 it a couple of times, so they really didn't know I was
9 going to go there. I was very impressed. And one of the
10 Board members was there, Jose Solorio, one of the City
11 Council members was there.

12 And what impressed me the most, I had visited so
13 many different places, but this one had concrete the
14 entire place. So many other places, they have dirt, and
15 there's a lot of water that needs to be constantly poured
16 in. There was no problem there. I was very impressed.

17 Ms. Ware is here. And I mentioned this to you.
18 I have visited many, many sites, and I was really
19 impressed with how clean it was. There was really no
20 smell. Of course, you deal with construction and
21 demolition projects, so the smell is not going to be
22 there. But I'm pleased to say that there is this outfit
23 in Orange County that is fulfilling this, as Mr. Solorio
24 suggested, a very significant local need. So that goes
25 to -- in the interest of full disclosure, I have to tell

1 you what I saw.

2 Okay. Ms. Mulé.

3 COMMITTEE MEMBER MULÉ: Thank you, Madam Chair.

4 I, too, visited the site.

5 CHAIRPERSON MARIN: Did you find the same thing?

6 COMMITTEE MEMBER MULÉ: Yes. It was very clean
7 when I went there as well.

8 So I know that this has been a long process for
9 all of you. And, again, having been through permitting
10 processes myself over the years, I can appreciate
11 everything that you've gone through. And I know there's
12 been some ups and downs in this process, but this really
13 goes to show whenever body pulls together and works
14 together that things can get done.

15 And I also want to concur that this really does
16 fill a need in Orange County for these types of
17 facilities. Again, when I came back to California, I was
18 just amazed that we did not have in Orange County, one of
19 the fastest growing areas in the entire country, a
20 facility like this to process mixed C&D waste, as well as
21 recyclable materials. And I'm glad to see that we did
22 make some additions in the conditions of the permit. They
23 look good to me.

24 And so with that, I'd like to turn it back over
25 to you. Thank you.

1 CHAIRPERSON MARIN: Thank you.

2 Mr. Paparian.

3 COMMITTEE MEMBER PAPARIAN: Thank you, Madam

4 Chair.

5 I also visited the facility last --

6 CHAIRPERSON MARIN: How about that.

7 COMMITTEE MEMBER PAPARIAN: Last Friday I think

8 it was. It was clean on that day, too.

9 CHAIRPERSON MARIN: This is a clean facility. We
10 can tell that.

11 COMMITTEE MEMBER PAPARIAN: I think just for the
12 record we ought to be very clear on the CEQA issue.

13 Mr. Munoz suggested that we're beyond the time. The
14 comments came in beyond the time, you know, allotted for
15 comments and that if the Air Quality District has
16 concerns, they, of course, have the authority to step in
17 and address those concerns through their own regulatory
18 actions. I just want to make sure the LEA concurs with
19 that general assessment that we're not looking at a
20 reopening of CEQA, or the CEQA issue is done. Is that --

21 MS. HODEL: Yes. We believe that --

22 CHAIRPERSON MARIN: Maybe you should step to the
23 microphone.

24 MS. HODEL: We believe the CEQA is adequate as it
25 is. Basically, we believe that our scope -- our project

1 was very narrow in its focus. It was really with the idea
2 of getting the solid waste facility permit. We were
3 looking at those issues with regard to things that the
4 LEA, the Waste Board has authority over within the
5 boundary of the facility.

6 And the city actually before they even opened
7 their facility had already looked at and did a Mitigated
8 Neg Deck. And CEQA had already been addressed previously.
9 And we did not want to try to reopen land use issues that
10 were really in the purview of the city. We just wanted to
11 focus on the project which was getting the solid waste
12 facility permit.

13 COMMITTEE MEMBER PAPARIAN: And then our staff is
14 comfortable with that as well; is that right?

15 DEPUTY DIRECTOR LEVENSON: Yes, Mr. Paparian. We
16 talked with Legal Counsel about that as well this morning.

17 COMMITTEE MEMBER PAPARIAN: And I'll just also
18 note that, I mean, we've approved other facilities
19 recently with comparable impacts. We approved the Grand
20 Central Transfer Station with many more trucks on a
21 Mitigated Negative Declaration. We approved the Colton
22 Transfer Station, which I think had 400 trucks coming in.
23 And we approved the Prima Deshecha Landfill increase,
24 which was an expectation of, I think, 300 more vehicles a
25 day coming in.

1 There may, in fact, be some big picture issues on
2 air quality that are important. You know, for me, I just
3 want to make sure that we work with the Air District to
4 make sure they're dealt with consistently. If there's an
5 issue with one facility, there's an issue with many
6 facilities. And if it's an issue, it needs to be dealt
7 with. But it probably needs to be dealt with in a bigger
8 picture way.

9 COMMITTEE MEMBER MULÉ: Excuse me, Madam Chair.
10 I just want to comment on that. Because I think when we
11 were hearing the Grand Central permit, I think I brought
12 that up, that very issue about the increased truck
13 traffic. And I believe we were told that this was not
14 under our purview, so it was something we really --

15 DEPUTY DIRECTOR LEVENSON: At least in the case
16 of Grand Central, and we can delve into this further. But
17 in that case, there was a Statement of Overriding
18 Considerations with respect to the air quality impacts.
19 And that was noted in the agenda item. I can't off the
20 top of my head remember who the lead agency was.

21 But when we do have a situation like that where
22 there's concerns that have been brought up and they rise
23 to the level, for example, of a Statement of Overriding
24 Considerations, we do try to note that. Certainly, in our
25 own comments on CEQA -- and this is an issue that's being

1 discussed by the LEA partnership in terms of what's the
2 scope of the Board's comments on CEQA. We certainly
3 comment on everything within our own authority and
4 provide, you know, detailed comments on that. Where we
5 note other impacts that aren't within our authority, we
6 make comments, but it's not something that we can hold the
7 lead agency to.

8 This issue of consistency is something that needs
9 to be taken up further. We can talk about that within
10 this working group that we have. But that doesn't step
11 over to what's the discussion that's -- what discussion
12 would take place between the various Air Quality
13 Management Districts and who's driving that.

14 CHAIRPERSON MARIN: Well, with that said and
15 having the blessing from our Legal Counsel, do I have a
16 motion?

17 COMMITTEE MEMBER MULÉ: I would like to move
18 approval of Resolution 2004-241, Consideration of a New
19 Full Solid Waste Permit Transfer Processing Station for
20 the Madison Materials, Inc., Orange County.

21 COMMITTEE MEMBER PAPARIAN: I'll second that.

22 And I think we need to fix that second to the
23 last "whereas," where there are two choices about "have"
24 and "have not" and that the proposed -- you want the
25 "have" to be there, is what you want.

1 DEPUTY DIRECTOR LEVENSON: We will have a revised
2 resolution for the Board meeting. We had it that way
3 because we hadn't conducted the staff inspection when that
4 was written. That will be revised.

5 CHAIRPERSON MARIN: Okay. Well, without
6 objection, that's going to be a consensus item.

7 Call the roll, and then we can do for the next
8 ones.

9 EXECUTIVE ASSISTANT JIMENEZ: Mulé?

10 COMMITTEE MEMBER MULÉ: Aye.

11 EXECUTIVE ASSISTANT JIMENEZ: Paparian?

12 COMMITTEE MEMBER PAPARIAN: Aye.

13 EXECUTIVE ASSISTANT JIMENEZ: Marin?

14 CHAIRPERSON MARIN: Aye.

15 Okay. Now, this will qualify to go -- we haven't
16 decided.

17 DEPUTY DIRECTOR LEVENSON: It would certainly be
18 staff's desire to have it placed on consent.

19 CHAIRPERSON MARIN: Yes. We will do that. We
20 haven't settled that yet as to how we're going to go about
21 it. But at least with a note it is unanimous -- it will
22 be recommended for consent at the Board meeting. Okay.
23 Great.

24 The next item.

25 Thank you, everybody.

1 DEPUTY DIRECTOR LEVENSON: Before we get to the
2 next item, I do want to thank everyone for their kudos to
3 staff. And I want to say that this was a permit that had
4 a lot of ups and downs. I think kudos go to the LEA and
5 the operator and staff.

6 This is also indicative -- forget the ups and
7 downs -- of a lot of the behind the scenes work that goes
8 on between staff and the operator and the LEA on all
9 permits to make sure everything is up to state minimum
10 standards and there's adequate documentation. So before
11 anything ever gets to the Board, I think it's reflective
12 of the Board's role on this whole permitting process and
13 all the work that goes on with that.

14 With that said -- get off the soap box -- move
15 on to Item C, Board Agenda Item 5, and this is
16 Consideration of a Full Solid Waste Facilities Permit
17 Transfer Processing Station for the Del Norte County
18 Transfer Station. And Christy Karl will be making that
19 presentation.

20 MS. KARL: Good morning, members of the
21 Committee.

22 This item considers a new solid waste facility
23 permit for the Del Norte County Transfer Station. The
24 facility is owned and operated by the Del Norte County
25 Waste Management Authority. And it's currently under

1 construction. So it's brand-new.

2 The proposed permit allows for handling of 300
3 tons of waste per day on four three-quarter acres, out of
4 about 13 acres. The proposed traffic volumes have been
5 estimated at 848 vehicles per day. The facility will be
6 open to the public Monday through Friday 8:00 to 5:00, and
7 Saturday and Sunday 9:00 to 5:00.

8 At the time this item was prepared, staff did not
9 have a recommendation since the Board had not approved the
10 amended nondisposal facility element that incorporates
11 this facility.

12 On Tuesday, September 14th, the Sustainability
13 and Market Development Committee approved the amendment
14 and recommended it for the consent calendar for the Board
15 meeting. Therefore, staff recommends the Board concur in
16 the issuance of Solid Waste Facility Permit 08-AA-0018 and
17 adopt Resolution 2004-209.

18 The operator and LEA are both here, and I believe
19 the operator submitted a speaker request and wanted to
20 make some comments. And this concludes my presentation.

21 CHAIRPERSON MARIN: Thank you, Christy.

22 Yes, we do have one person that would like to
23 address, and that's Tedd Ward from Del Norte Solid Waste
24 Management Authority.

25 Thank you, Mr. Ward.

1 MR. WARD: Thank you, Chair Marin.

2 I guess I'd like to first point out that we're
3 not as stupid as we look. And Del Norte is the correct
4 pronunciation. Even though it looks like Del Norte, it's
5 derived from the Portuguese and not the Spanish. So I
6 just thought I'd clear that up.

7 CHAIRPERSON MARIN: Well, let me just correct
8 you, because what I'm reading is in Spanish and it says
9 Del Norte.

10 MR. WARD: The spelling is the same. And I
11 defer.

12 We are a small rural remote --

13 CHAIRPERSON MARIN: Now, if we just went in
14 English, I think we'll be fine.

15 MR. WARD: One of the jokes is that anybody who
16 says "Del Norte" is immediately greeted, "Well, you're not
17 from here, are you?"

18 It's an eight-and-a-half hour drive from there to
19 here. So I'm very pleased to meet you all for the first
20 time, some of you.

21 One of my favorite facts on this is there are
22 more employees for the city of Los Angeles than there are
23 residents in my county, including those in prison. We're
24 home of the redwoods, beautiful rural community. We're
25 also home of the first adopted municipal zero waste plan.

1 So this is a new facility. It's intended to
2 replace the landfill which is an unlined landfill at the
3 base. And it will be closing at the beginning of next
4 year, and we're hoping the transfer station is open just
5 about that same time.

6 So it's a much larger facility than -- the permit
7 is much larger than we anticipate receiving. The permit
8 is for an average of 200 tons per day. But we initially
9 only expect to be receiving about 75 tons per day. It is
10 already under construction. There will be two phases of
11 construction. The first one is the main transfer station.
12 And the second phase is the one we're really excited
13 about, which is the resource recovery park. And that
14 design has been completed in part with assistance from a
15 reuse assistance grant, which we're great grateful for.
16 And it includes a permanent household hazardous waste
17 facility, which also came from a Household Hazardous Waste
18 Grant from the Waste Board.

19 So for all these things, we're quite grateful,
20 and we encourage you to put it on consent if it's not too
21 much trouble, assuming there are no issues. Thank you.

22 CHAIRPERSON MARIN: Thank you, Mr. Ward.

23 I think I need to go to Del Norte.

24 MR. WARD: You're very welcome.

25 COMMITTEE MEMBER MULÉ: It's a beautiful place.

1 CHAIRPERSON MARIN: I would not mind driving the
2 eight hours or whatever it takes.

3 What's the pleasure of the Committee members?

4 COMMITTEE MEMBER MULÉ: Well, I just want to
5 thank you, Ted, for making that long drive here, and
6 appreciate your comments regarding the Board assistance on
7 getting this facility together.

8 Do you know where you're going to be hauling your
9 waste to?

10 And the other question I had is on the transfer
11 station. Is it completely enclosed? What's the
12 construction?

13 MR. WARD: It is a completely enclosed facility.
14 And, in fact, we've added a loading dock to facilitate
15 recovery. All of the waste that's coming out of the
16 facility will be going to the Dry Creek Landfill just
17 outside of Medford, Oregon. Our main east/west route
18 where we are is Highway 199, and that actually ends in
19 Oregon. Our Senator's office, for instance, in order to
20 get there to the regional offices, you have to go through
21 two counties and another state to get to the regional
22 office, in case you needed a new definition of remote.

23 COMMITTEE MEMBER MULÉ: Thank you.

24 CHAIRPERSON MARIN: Mr. Paparian.

25 COMMITTEE MEMBER PAPARIAN: Thank you, Madam

1 Chair.

2 I just wanted to remark how wonderful the
3 projects are that Del Norte County is working on. You may
4 be a little population, but really, you know, big plans
5 for zero waste. And I think it's helping show a lot of
6 the rest of the state and the rest of the country what a
7 locality can do in this area.

8 MR. WARD: Thank you.

9 CHAIRPERSON MARIN: With that, do I have a
10 motion?

11 BOARD MEMBER MULÉ: I'd like to move approval of
12 Resolution 2004-209, Consideration of the New Solid Waste
13 Facilities Permit Transfer Processing Station for the Del
14 Norte County Transfer Station, Del Norte County.

15 CHAIRPERSON MARIN: Okay. Mr. Paparian.

16 COMMITTEE MEMBER PAPARIAN: Second.

17 CHAIRPERSON MARIN: Mr. Paparian seconds.

18 Okay. With that, it goes on to consent. We just
19 take the same vote that we did the last time.

20 EXECUTIVE DIRECTOR LEARY: Madam Chair, I'm sure
21 you meant when the motion was made and was seconded to
22 make the same correction in the last whereas in this
23 resolution.

24 CHAIRPERSON MARIN: The same thing.

25 EXECUTIVE DIRECTOR LEARY: For the record.

1 CHAIRPERSON MARIN: That's exactly what I meant.

2 I like it when the staff reads the mind of the Chair.

3 Thank you, Mr. Leary.

4 DEPUTY DIRECTOR LEVENSON: The third item today,
5 Item D, is Consideration of the Grant Awards for the Farm
6 and Ranch Solid Waste Cleanup and Abatement Grant Program
7 for Fiscal Year 2004-2005. And Carl Repucci will be
8 making that presentation.

9 MS. REPUCCI: Good morning, Madam Chair and
10 Committee members. My name is Carla Repucci, and I will
11 present Item D for the consideration of five applications
12 for Farm and Ranch Cleanup and Abatement Grants. The Farm
13 and Ranch Grant Program provides funds to local
14 governments, Resource Conservation Districts, and Native
15 American tribes to clean up the illegal disposal sites on
16 farm and ranch property.

17 The funds come equally from three sources, the
18 Used Oil Fund, the Tire Fund, and the Integrated Waste
19 Management Fund. There is \$929,000 available for this
20 fiscal year. The amount requested in these five
21 applications is \$237,397 and represent the first award of
22 this fiscal year.

23 Approval of these applications as recommended
24 would leave \$691,603 in the fund. The applications have
25 been reviewed for eligibility, scored, and are being

1 recommended for funding today for approval. Six
2 applications were received for this quarter. However,
3 during the completeness review, one application was deemed
4 ineligible. Therefore, only five are being recommended
5 for approval today. Each of the five eligible
6 applications were reviewed and received passing scores.

7 The five applications being recommended for
8 approval are from the counties of Tulare, Lake, Kings,
9 Kern, and Yolo. Together, they are proposing the cleanup
10 of eight sites strewn with over 4800 tires, two abandoned
11 vehicles, 600 gallons of used oil, and tons of household
12 waste, metal, and construction debris. Removal of the
13 waste will restore the properties back to their natural
14 state and remove the threat to public health and safety
15 and the environment.

16 All five applicants have indicated efforts to
17 prevent waste from being redeposited on the sites. And
18 these efforts include gates, fencing, and increased
19 surveillance.

20 Agenda Item D is for the consideration of five
21 grant applications for Farm and Ranch Solid Waste Cleanup
22 and Abatement Grants. All five applications meet the
23 eligibility requirement set forth by the statute.

24 Therefore, staff recommends the Board adopt
25 Resolution 2004-242 authorizing the award of up to

1 \$237,397 for the grant applications from Lake County and
2 the following Resource Conservation Districts: Excelsior,
3 Kings, Pond-Shafter-Wasco Resource Conservation District,
4 Yolo County, and Tulare County, and directing staff to
5 develop and execute grant agreements.

6 I would be happy to answer any questions.

7 CHAIRPERSON MARIN: Okay. Ms. Mulé.

8 COMMITTEE MEMBER MULÉ: Yes. I do have a
9 question on how do we go about soliciting applications for
10 this cleanup? And the reason why I'm asking is I see that
11 we have \$939,000 budgeted for this, yet we're spending
12 only \$237,393.

13 The reason why I'm asking this is because I know
14 that there are huge problems out there on other private
15 property sites. So I'm just wondering how we go about
16 getting the word out to those folks who let them know
17 we've got funding available for the cleanup. Because,
18 again, where I come from in Riverside County, I know there
19 are a lot of issues on private property with illegal
20 dumping. Thank you.

21 MS. REPUCCI: I'll give you just a real brief
22 history on the program. A year ago January there was a
23 legislative change that actually increased the amount
24 available per site and jurisdiction. And that has had a
25 huge impact on the popularity of the program. Prior to

1 that, we were always undersubscribed. We always had money
2 left at the end of every fiscal year.

3 The awards that I'm bringing forth today are --
4 actually, this is the first award of this fiscal year. So
5 there have been previous years where that's all we give
6 away the whole year. So really it's a big thing.

7 The way that we do go about promoting the program
8 is through the LEA Roundtables, also through the LEA
9 Conference, and I've given various presentations at Code
10 Enforcement Workshops. Also, the Resource Conservation
11 Districts have an annual conference. All the information
12 is posted on our website.

13 DEPUTY DIRECTOR LEVENSON: I'd also like to add
14 that last year we did fully subscribe the program,
15 primarily as a result of legislative change and all of
16 Carla's outreach and efforts. We anticipate probably
17 being oversubscribed, I would think, this year.

18 COMMITTEE MEMBER MULÉ: Because this is an
19 ongoing process; right? There is no time limit. It's
20 basically a year-round process.

21 DEPUTY DIRECTOR LEVENSON: Right. In July, we
22 moved to a quarterly cycle. The Board approved going to a
23 quarterly cycle. So this is just the first quarter of
24 this fiscal year.

25 COMMITTEE MEMBER MULÉ: Thank you.

1 CHAIRPERSON MARIN: Okay. Do we have a motion?

2 COMMITTEE MEMBER MULÉ: I would move approval of
3 Resolution 2004-242, Consideration of the Grant Awards for
4 the Farm and Ranch Solid Waste Cleanup and Abatement
5 Program, FY 2004-2005.

6 COMMITTEE MEMBER PAPARIAN: Second.

7 CHAIRPERSON MARIN: Okay. Just substitute the
8 previous roll call there without objection.

9 Okay. Thank you.

10 DEPUTY DIRECTOR LEVENSON: Madam Chair, can we
11 also place that on consent?

12 CHAIRPERSON MARIN: Absolutely.

13 DEPUTY DIRECTOR LEVENSON: Thank you.

14 CHAIRPERSON MARIN: Thank you, Mr. Levenson.

15 Okay. Well, that's the hard work. Now we'll go
16 to the easy work.

17 DEPUTY DIRECTOR LEVENSON: Glad you said that.

18 Now we come to Item E, GeoSyntec report
19 specifically titled, "Discussion and Request for Direction
20 on the Recommended Follow-Ups on the Landfill Facility
21 Compliance Study, Fiscal Year 99-2000, Contract Number
22 IWM-C9047." Bobbie Garcia will be making that
23 presentation.

24 We just want to note the information about the
25 GeoSyntec recommendations is organized in a couple

1 different ways. One is the Attachment 1, which lists them
2 more or less in order of the various tasks and reports
3 that we receive them in. But then they are regrouped
4 within the agenda item, and that's how the presentation
5 really is going to be organized. It's easier to follow
6 what we're suggesting with that grouping.

7 (Thereupon an overhead presentation was
8 presented as follows.)

9 MS. GARCIA: I'm here to present Agenda Item 7,
10 which is the Discussion and Request for Direction on
11 Recommended Follow-ups to the Landfill Facility Compliance
12 Study.

13 Back in June of this year at the meeting,
14 GeoSyntec, the contractor for the study, presented
15 comprehensive findings and recommendations from the
16 landfill study, bringing the landfill study to a close.
17 GeoSyntec presented 24 recommendations which are
18 summarized on the Attachment 1, which is part of the
19 agenda item. Out of these, ten fall under the Water Board
20 jurisdiction, four fall under the Waste Board
21 jurisdiction, and then ten fall under both Water Board and
22 Waste Board jurisdiction. None of these were identified
23 strictly with the Air District Jurisdictions.

24 Above is slide one. Staff grouped the
25 recommendations that were presented in the agenda item, as

1 Howard said, into the following four options. The first
2 of those that we are deferring to the Water Board on the
3 recommendations that fall within the jurisdiction of the
4 Water Board. The second grouping are to develop
5 regulations or promote recommendations. Three is to
6 further study the recommendations. And then the fourth is
7 no further action is recommended.

8 --o0o--

9 MS. GARCIA: On the first one, which is to defer
10 to the Water Board on those recommendations that fall
11 within their jurisdiction, staff is proposing that all of
12 these recommendations would be formally transmitted to the
13 Water Board for further follow up.

14 However, one of these recommendations, which is
15 7.6 on Attachment 1, which is leachate recirculation,
16 staff is proposing that that could be studied as part of a
17 project that would include leachate recirculation which
18 would be authorized under the Board's ongoing research,
19 development, and demonstration rule, should that rule be
20 adopted. So that would be one tact.

21 --o0o--

22 MS. GARCIA: The next group is to develop
23 recommendations or promote recommendations. I'm having a
24 hard time with that. Staff are proposing that three of
25 the recommendations either be developed as regulations or

1 promoted.

2 5.2 is to require the same landfill gas
3 monitoring control at active landfills as for closed
4 landfills. Staff are proposing to include this regulatory
5 change as part of the Board's ongoing landfill gas rule
6 making that's currently underway. If this is not
7 possible, it will have to be considered for a future
8 landfill gas regulatory effort when resources become
9 available in the future.

10 For both active and closed solid waste disposal
11 sites are required by regulation to fully implement an
12 adequate landfill gas monitoring program to determine
13 compliance with gas standards. The regulations for closed
14 landfills are specific criteria, where those for active
15 landfills are performance standards and do not have
16 specific requirements. What this could do would really be
17 more of a guidance effort, which would give specific
18 criteria. But the landfills, both types, active and
19 closed, do have to meet the same performance standard,
20 which is to, you know, adequately monitor for landfill gas
21 migration.

22 5.4 is to monitor vadose zone for landfill gas
23 near waste limit. Staff are proposing to further discuss
24 the issue with the LEAs and with the Regional Water
25 Quality Control Boards and to potentially promote vadose

1 zone monitoring as a technical guidance at the next LEA
2 Conference, which will be held in May 2005.

3 The compliance point for landfill gas migration
4 is at the property boundary. However, if the gas could be
5 monitored closer to the waste, there would be a chance
6 that maybe it could be dealt with sooner and problems
7 could be addressed before they did become something at the
8 boundary. It's very good preventative.

9 The last one is 5.5, which is to require annual
10 winterization plan. While this is already allowable,
11 staff are proposing to further discuss this issue with the
12 LEAs and the Water Board and to potentially promote the
13 annual Winterization Technical Conference at the next LEA
14 Conference.

15 Currently, if a winterization plan is developed,
16 it's included in the joint technical document, which could
17 be -- it's the DWR and the solid waste facilities permit.
18 Implementation of a well-developed winterization plan can
19 help operators prepare and cope with conditions that do
20 not allow for typical day to day operations that depend on
21 relatively dry weather.

22 --o0o--

23 MS. GARCIA: The third group of recommendations,
24 staff are proposing that seven of the recommendations be
25 further studied. The group of recommendations on this

1 slide are those that staff are already working on or could
2 be incorporated into a contract concept that staff is
3 currently working on.

4 6.10 to develop guidance documents on postclosure
5 land use. Staff are proposing the development of a
6 workshop on postclosure land use for 2005 to better
7 understand the issue and what action is needed by the
8 Board.

9 A significant amount of guidance has been already
10 prepared for brown field redevelopment which could be used
11 in handling postclosure land use on landfills. However,
12 guidance documents have been viewed by the Office of
13 Administrative Law as an underground regulation.
14 Therefore, an updated postclosure land use workshop
15 similar to that in the 1992 seminar that the Board
16 facilitated would be more effective with dissemination of
17 results through the Board's web pages and other venues as
18 appropriate.

19 6.11 is to consider standards for defining the
20 end of the postclosure care period. Staff are proposing
21 to continue looking at this issue as part of the Board's
22 effort on financial assurance postclosure maintenance. As
23 follow-up to the postclosure period and financial
24 assurances workshop that was conducted in November 2003,
25 staff are planning to have an item before the P&E

1 Committee in the fall/winter in 2004.

2 Under California regulation, the postclosure care
3 period continues until the waste no longer poses a threat.
4 The regulations, however, do not define what that means,
5 no longer poses a threat. The current level of landfill
6 science is such that it is difficult to determine when the
7 waste no longer poses a threat. Board staff are currently
8 following the progress of various studies as part of the
9 overall issue of financial assurances and postclosure
10 maintenance.

11 On 6.12, that to consider more stringent
12 requirements for explosive gas at the landfill boundary if
13 warranted. While existing regulations allow suitable
14 flexibility for more stringent requirements when needed,
15 staff are proposing that further study of the issue could
16 be included and the contract concept that staff are
17 separately developing on long-term efficacy of landfill
18 gas monitoring. The problem is that monitoring wells
19 deteriorate over time, often in 20 years or less, or are
20 never functioning properly to begin with. A statewide
21 study is needed to determine the viability of California
22 landfill gas monitoring systems.

23 --o0o--

24 MS. GARCIA: The next group of recommendations on
25 this slide are those that will take longer time to fully

1 study.

2 6.1 and 7.1 consider requirements for
3 preprocessing or pre-treatment of waste if appropriate.
4 Staff are proposing the development of a contract concept
5 to better understand the wide variety of activities that
6 constitute processing, which would be enhancement of
7 landfill performance and how they could be applied in
8 California. Preprocessing of waste contains a wide
9 variety of processes, including mechanical, biological,
10 and thermal. Preprocessing of waste could have
11 significant environmental benefits by reducing the volume
12 of waste being landfilled and/or enhancing stabilization
13 of the waste disposed in landfills.

14 The next, 7.2 considers anaerobic bioreactors.
15 Staff are proposing to study anaerobic reactors through
16 any projects that is included and authorized under the
17 Board's ongoing research, development, and demonstration
18 rule, should the rule be adopted.

19 The same would be true for 7.4, which is to
20 consider alternative cover systems. That would be to
21 include it as part of the rule if it's adopted. Also,
22 staff are proposing to further discuss the issue of
23 alternative cover systems with LEAs and the Water Board
24 and to potentially promote the use of alternative cover
25 systems as technical guidance at the LEA Conference in

1 2005.

2 7.5 is to consider landfill gas applications such
3 as the reuse of landfill gas as a medium BTU fuel. Staff
4 are proposing to address further study by continuing
5 participation with the California Energy Commission and
6 the U.S. EPA related to the Landfill Gas to Energy Task
7 Force.

8 --oOo--

9 MS. GARCIA: And the last slide is no further
10 action recommended. Staff are proposing no further action
11 be taken for the three recommendations.

12 5.3 requires using buffer zones to aid compliance
13 with landfill gas regulations. This recommendation is
14 already being addressed by the Board's ongoing landfill
15 gas rule making.

16 6.4, which is develop guidance documents on
17 landfill design and construction. Guidance documents are
18 viewed basically by the Office of Administrative Law as an
19 underground reg.

20 And the same is true for 7.7, which is to
21 consider industry standard certification and guidance
22 documents. So we're recommending no further action.

23 Lastly, GeoSyntec recommended that the three
24 primary regulatory agencies involved in landfill oversight
25 coordinate with one another in the implementation of the

1 study's recommendations. Staff recommended that, where
2 appropriate, a greater effort should be made for
3 coordination between the three regulators and the
4 implementation of the study's recommendations. And we'll
5 be working to identify where that coordination should be
6 occurring.

7 Options for the Board. The Board may decide to
8 direct staff to implement staff's recommendations as
9 identified in Attachment 1, modify staff's
10 recommendations, or direct staff to provide additional
11 information and bring it back to the Board for future
12 meeting of the Board.

13 And staff's recommendation is to have the Board
14 go with Option 1, which is to direct staff to implement
15 the recommendations as identified.

16 Thank you.

17 CHAIRPERSON MARIN: Thank you, Ms. Garcia.

18 This is really, really good. I know my
19 colleagues want to say something. But I want to -- you
20 know, we could study so many different things for such a
21 long time. And if we had all the money in the world, we
22 would just study and study and study. We don't have that
23 luxury. As much as I would like to continue to print
24 money so that we would have a lot, we have to come -- and
25 I think what I really want the next few minutes is to be

1 as thoughtful as we can to prioritize or maybe follow the
2 guidance of staff as to what is it that's truly important.
3 You have done an incredible job in suggesting and
4 taking this recommendation. I happen to agree with what
5 you guys are saying. But I really want to be as
6 thoughtful in our comments back and forth as to what do we
7 really want to do next. Because from my understanding,
8 not having been here a few years ago when the first
9 original study was presented, what we don't want to do is
10 give staff a set of recommendations to go out there and
11 study and then two years later when the studies come back,
12 "Oh, but we forgot to ask you about this," and "Why didn't
13 you look into that," and "Why didn't you ask that?" We
14 don't want to do that. So, you know, if there are things
15 that we think should be changed or priorities that need to
16 be superimposed on this, certainly we would need to
17 recommend that to the Board.

18 But I really would want to caution ourselves as a
19 Committee and certainly the Board if we need more time,
20 you know, to make sure that this is really what we want to
21 do, then we do that. But we don't want to come a year
22 from now when you guys are going in to study and say,
23 "Wait a minute, we forgot to ask you about this," and,
24 "Why didn't you think about that?" We don't want to do
25 that. So I don't want to preface that with that, and then

1 maybe we'll discuss this further.

2 COMMITTEE MEMBER MULÉ: Thank you, Madam Chair.

3 I agree with you. We can study things until the
4 cow jumps over the moon. But I think it is important to
5 set some priorities here.

6 And one of the questions that I have is, you
7 know, some of these things -- I'm not sure that they're
8 necessary to study more. And what I would like to see is
9 if -- and I don't know how much of this has occurred,
10 since I've only been on the Board just a few months. But
11 some of these recommendations get the input of some of the
12 landfill operators to find out if, in fact, a
13 winterization program is necessary. So, I mean, I'm just
14 using that as an example.

15 But I think that, you know, we really do need to
16 prioritize some of these things and look at what's really
17 important. And as a matter of fact, in my briefing from
18 staff, they basically told me that, that we need to set
19 some priorities. So I was glad to see that staff had
20 mentioned that. But I do agree with what you're saying.
21 Thank you.

22 DEPUTY DIRECTOR LEVENSON: If I could respond for
23 a moment. I appreciate your picking up on the discussion
24 of priorities. And I think what we've tried to do here
25 is, in essence, prioritize things by pointing out those

1 things that we think warrant immediate regulatory
2 attention. For example, the standards between the active
3 and postclosure, those things that are already being
4 worked on in other efforts, such as the postclosure
5 maintenance.

6 And then within the suite of recommendations that
7 talk about study, to point out really the one that we have
8 the most concern with is the issue of long-term gas
9 monitoring. That's not a direct GeoSyntec recommendation,
10 but spinning off of -- I think it was 6.12. To raise that
11 to your attention that with respect to devoting
12 discretionary contract dollars, that would be from the P&E
13 group one of the highest priorities for us is to look at
14 this issue, whether it's this year or next year.

15 We have our contracts that come out of other
16 funds. But within the IWMA fund from a P&E perspective --
17 that's not balancing them against the other contract
18 concepts that might come forward from other divisions.
19 That's a high priority for us.

20 The other things we're considering studying are
21 not -- except for the pre-processing one -- are not
22 necessarily funding related. They involve, as Ms. Mul
23 suggested, talking to folks, operators, LEAs, Water Board
24 and then figuring out the best ways to promote those or to
25 monitor them, whether it's the winterization plans at the

1 conference or look at bioreactors if any kind of projects
2 are approved under an RD&D rule, if that's approved.

3 So there's a suite of things in there. And the
4 priorities really for us are the regulatory ones, the
5 ongoing efforts that are spoken of, some of the
6 promotional efforts, and then really one or two contract
7 potentials.

8 CHAIRPERSON MARIN: Mr. Paparian.

9 COMMITTEE MEMBER PAPARIAN: Thank you, Madam
10 Chair. I had several questions.

11 As you pointed out, some of the items in here
12 relate just to the Water Board. But quite a few of them
13 overlap between us and the Water Board. And I know the
14 Water Board representative is here. Is the Water Board
15 planning a similar follow-up, you know, in terms of taking
16 their recommendations or taking our overlapping
17 recommendations?

18 And then my next question is going to be, should
19 we jointly do something, as Board members, with Water
20 Board members looking at this? But, yeah, if you could
21 come on up. My latter question, I don't know if you want
22 to answer it --

23 DEPUTY DIRECTOR LEVENSON: While Joe is coming
24 up, I will say that once the Board hears this item,
25 whether it's this Committee this month or the Board as

1 well, we will be formally transmitting the recommendations
2 from GeoSyntec to the Water Board. They certainly -- Joe
3 Mello over there has certainly been involved at great
4 length and has provided a lot of help on the whole
5 project.

6 MR. MELLO: I almost hate to come through the
7 door. Mike seems to like to see me up here a lot when I
8 do.

9 I'm Joe Mello, Land Disposal Program Manager at
10 the Water Board. We will formally respond. We've asked
11 Howard to give us a formal request for response on this.

12 A lot of our responses are going to be, I
13 believe, no further action. As you can see from 6.4 up
14 there, they had a request for a couple guidance documents
15 development. And our views are along the same way as the
16 Waste Board's on that. They've asked for some
17 prescriptive standards where we already have prescriptive
18 standards and allow engineered alternatives.

19 One of the problems that a lot of the landfill
20 owners/operators are having is that they are giving us
21 engineer alternatives and considering them beefier or more
22 protective than the prescriptive standard, wherein they're
23 not. Or during performance evaluation they're getting
24 shown not to be as protective.

25 So I don't know that they really want

1 prescriptive standards for some of these design issues.
2 Because my guess is they're going to be more stringent
3 than what we have already.

4 COMMITTEE MEMBER PAPARIAN: And then just to
5 follow up Madam Chair, I think it might be a good idea at
6 some point -- this might be a good start for some of the
7 discussion -- to meet with the Water Board -- maybe not
8 the whole Board. At one time we had a Subcommittee of the
9 Board and a Subcommittee of the Water Board. We met, I
10 think, once. But --

11 CHAIRPERSON MARIN: I totally agree. I think we
12 need to -- Mark, if you could follow that up and see if we
13 can have a joint meeting. I'm sure -- and we'd be very
14 happy from P&E Committee to be that Subcommittee. So if
15 you could do that, that would be very nice.

16 COMMITTEE MEMBER PAPARIAN: And then I had some
17 other questions and comments.

18 CHAIRPERSON MARIN: Go ahead.

19 COMMITTEE MEMBER PAPARIAN: I know we did receive
20 a number of comments about the GeoSyntec study, and I
21 guess we have it up on the web, the final version and so
22 forth. Would it be possible to post those comments, too,
23 so people looking at it could have the benefit of the
24 range of opinions that are out there? Some of them were
25 pretty technical. Some of them were pretty general. I

1 think they were beneficial.

2 MS. GARCIA: Well, actually, it's funny you
3 should ask, because we're hopefully going to get out
4 today -- it will be the Task 4, which is the in-depth
5 information on the 53 landfills, which was part of the
6 recommendations that were made on what actions to take.
7 That will be going out today with a link to all the final
8 reports and everything. So we can put in there at the
9 same time the comments were received. I think we had
10 three sets of comments, and we can go ahead and put those
11 in at the same time maybe so people can access that.

12 COMMITTEE MEMBER PAPARIAN: That would be great.

13 And then I know that separately maybe this isn't
14 the time to talk about the other state's effort. Probably
15 talk about that separately. But I know there's an effort
16 we've been having some discussion on of the data gaps with
17 other states.

18 DEPUTY DIRECTOR LEVENSON: I think it's worth
19 mentioning that. In response to some of your concerns,
20 Mr. Paparian, in earlier presentations about what are
21 other states doing that we, as staff, are proposing, kind
22 of a little put our toes in the water step to look at a
23 couple of states and a few parameters to see if there are
24 differences between those states and our state standards,
25 recognizing the differences in all the regulatory

1 structures and authorities that are involved in the
2 complexity of that. So we thought we'd take a first step.
3 If it looks like there's, you know, a lot of differences,
4 then we may want to do more in-depth study across more
5 states and more parameters.

6 COMMITTEE MEMBER PAPARIAN: One of the ones I'm
7 interested in is the enforcement side. I know states take
8 different approaches to enforcement and whether we can
9 learn from any of those.

10 DEPUTY DIRECTOR LEVENSON: Correct. And we do
11 have -- there are two separate but linked efforts. I've
12 asked Bobbie to look at some of the state standards, the
13 actual kind of minimum standards, that they have with
14 respect to landfill operations and design.

15 And then separately we have a working group. And
16 I mentioned that in my Deputy's report when I was slurring
17 over all the things that are coming to you. We have a
18 working group on enforcement and compliance that we're
19 hoping to bring an item to you roughly in December that
20 will be looking at what are some of the other -- what
21 other tools might we bring to bare for our own enforcement
22 compliance efforts? For example, the administrative
23 enforcement orders from the CUPPAs. Are there any things
24 from other states that we can find? And we've been
25 looking at that. Haven't found anything significant yet,

1 but we'll continue to look at that. So that will be part
2 of that effort.

3 COMMITTEE MEMBER PAPARIAN: And then finally on
4 the recommendation related to preprocessing, I'm a little
5 bit torn on it. I kind of agree maybe some more
6 research is needed, but I think we know a lot. And we
7 have preprocessing going on through the MRFs in
8 California. We have it going on for the materials going
9 into transformation facilities. And then I'm hopeful that
10 we'll be able to as part of the RD&D rule, the research
11 end of it, maybe have some component related to
12 preprocessing in the same way you're suggesting that the
13 leachate recirculation research could be done in that
14 context as well.

15 But I think that's probably part of a bigger
16 debate we'll have later on. But I think we should flag it
17 here, if the preprocessing is in some way in the RD&D
18 rule, obviously the "R" in RD&D stands for research. And
19 we ought to take advantage of that.

20 DEPUTY DIRECTOR LEVENSON: I'd also like to maybe
21 make a further distinction on preprocessing that the
22 GeoSyntec report has a fairly narrow definition, which is
23 mechanical or biological or other treatment in order to
24 enhance landfill performance. And there are projects
25 going on in Europe and elsewhere that we can track and see

1 what comes out of those projects and bring that
2 information back to you with respect to landfill
3 performance.

4 The other broader policy issue related to the
5 removal of materials for diversion efforts, you know, I
6 agree, is not something that we need contract study. It's
7 just a bigger, broader policy discussion.

8 CHAIRPERSON MARIN: I happen to agree with that.

9 Okay. The next step for this, Howard.

10 DEPUTY DIRECTOR LEVENSON: The next step is for
11 you to go ahead and direct us. I don't think that I've
12 heard anything different than what we're proposing. I
13 hope you understand that that proposal is really a balance
14 of what we think is doable and needs to be done in the
15 near term, versus some of the things that can be more or
16 less looked at over time. So if you're willing to direct
17 us to go forth with that, we're fine.

18 CHAIRPERSON MARIN: Without objection, that will
19 be the order. Okay. Perfect. Thank you so very much.

20 I would like to say something, because I know for
21 any sheet of paper, you know, any one comment, any one
22 paragraph, there's an incredible amount of work that goes
23 into coming up with one statement or one report. And I
24 really have to hand it to you guys. By the time it comes
25 to the Committee, a lot of the issues have been resolved.

1 There's been a lot of consultation. There's the desire to
2 get to a consensus.

3 And I don't think any of the Board members and
4 certainly the Committee members, it doesn't escape us. We
5 are fully aware of the amount of work and how professional
6 all of you are in coming to the conclusions and the
7 recommendations before us.

8 So please understand that we really value the
9 work that you do and we know how difficult it is so that
10 when we all get here, we all basically come to an
11 agreement and move forward. And so your efforts -- and
12 Mr. Leary, you know that. I keep telling you. I hope you
13 tell the entire staff. We know what it takes and it's
14 pretty impressive.

15 EXECUTIVE DIRECTOR LEARY: I appreciate your
16 positive comments, Madam Chair. But when you keep saying
17 it out in the public, I'll be hit for raises by all the
18 staff.

19 CHAIRPERSON MARIN: No raises.

20 Thank you so very much everybody, and we'll see
21 you at the Board meeting. Thank you.

22 (Thereupon the California Integrated Waste
23 Management Board, Permitting and Enforcement
24 Committee adjourned at 10:35 a.m.)

25

1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing hearing was reported in shorthand by me,
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the
8 State of California, and thereafter transcribed into
9 typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said hearing nor in any
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 22nd day of September, 2004.

15

16

17

18

19

20

21

22 TIFFANY C. KRAFT, CSR, RPR
23 Certified Shorthand Reporter
24 License No. 12277

25